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10/763,677

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EXAMINER
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PASIA, REDENTOR M

ART UNIT	PAPER NUMBER
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2616

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/763,677

Applicant(s)

MARCU ET AL.

Examiner

Redentor M. Pasia

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claims 24-36 recites the limitation "machine readable medium." There is insufficient antecedent basis for this limitation in the specification.

### ***Claim Objections***

Claim 12 is objected to because of the following informalities: Claim 12 is a duplicate claim of claim 11.

Appropriate correction is required.

Claim 14 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 24-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter on the basis of nonfunctional descriptive material.

Claims 24-36 shows the claim limitation "*a machine readable medium comprising machine readable instructions for causing a computer...*" in line 1.

In claim 24, "machine readable instructions" is computer program claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs (i.e. machine readable instructions) do not define any structural and functional interrelationships between the computer program (i.e. machine readable instructions) and other claimed elements of a computer, which permit the computer program's functionality to be realized. Thus, the claim is non-statutory.

The examiner suggests that the claim should be revised to a format similar to "a *computer-readable medium encoded with a computer executable instructions...*" to make the claimed invention statutory.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-15, 17-24 and 26-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Volftsun et al. (US 6111893; hereinafter Volftsun).

As to claim 1, Volftsun shows a method for converting telecommunications data from a first protocol to a second protocol (abstract), the method comprising: receiving input signals in conformance with the first protocol; mapping the input signals to an abstract, protocol-independent information format; converting information from the abstract, protocol-independent information format to protocol-specific output signals; and transmitting the output signals in conformance with the second protocol (col. 3 line 64 to col. 4, line 2; Figure 4).

As to claim 3, Volftsun shows POTS (Figure 1; phone connected to PBX).

As to claim 4, Volftsun shows a super-set of signaling information contained in the first and second protocols (col. 4, lines 26-27; call context data; Figure 4).

As to claim 5, Volftsun shows that the mapping the input signals is carried out by a first protocol handler (figure 4, 410).

As to claim 6, Volftsun shows the converting information is carried out by a second protocol handler (Figure 4, 412).

As to claim 7, Volftsun shows a step of converting protocol-specific address information to a generic Terminal ID (Figure 8A, step 816-820).

As to claim 8, Volftsun shows a step of performing an operation using an operation module (Figure 4, 414; col. 10, lines 12-17).

As to claim 9, Volftsun shows a management operation (col. 10, lines 7-27).

As to claim 10, Volftsun shows that the input signals are received over one or more telecommunications networks (figure 1).

As to claims 11, 12 and 14, Volftsun shows the telecommunications networks comprise a PSTN network (Figure 1).

As to claim 13, Volftsun shows that the output signals are transmitted over one or more telecommunications networks (Figure 1).

As to claim 15, Volftsun shows a telecommunications gateway in communication with a plurality of equipment devices having different customer protocols and with a plurality of service provider equipment devices having different service provider protocols (Figure 1), the telecommunications gateway comprising: a plurality of protocol handlers wherein each protocol handler is associated with a given customer protocol or service provider protocol (Figure 5, shows a plurality of Call Instance 402a-402d; Figure 4, shows Call Instance 402 where is has Originating Call Control State Machine 410 and Terminating Call Control State Machine 412); and a plurality of operation modules

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in communication with each of the protocol handlers (Figure 5, shows a plurality of Call Instance 402a-402d. Figure 4 shows Call Instance 402 where it has Universal Call Model State Machine 414), wherein each of the protocol handlers is configured to convert input signals in conformance with the associated protocol to a generic information format (col. 9, lines 22-27; Call Control State Machine 410), wherein each of the protocol handlers is further configured to convert information from the generic information format to output signals in conformance with the associated protocol (col. 4, lines 1-2; Call control State Machine 412) and wherein each of the operation modules is configured to perform a telecommunications operation using information in the generic information format (col. 10 lines 2-27; UCM 414).

As to claim 17, Volftsun shows POTS (Figure 1).

As to claim 18, Volftsun shows a super-set of signaling information contained in the first and second protocols (col. 4, lines 26-27; call context data).

As to claim 19, Volftsun shows that the operation modules comprise state machines (UCM 414).



As to claim 20, Volftsun shows a step of converting protocol-specific address information to a generic Terminal ID (Figure 8A, step 816-820).

As to claim 21, Volftsun shows a management operation (col. 10, lines 7-27).

As to claim 22, Volftsun shows that the telecommunication gateway is in communication with a plurality of service provider equipment devices over one or more telecommunications networks (Figure 1 shows a plurality of networks and UPCs (gateway) that are interconnected; Figure 5 further shows the details wherein 502 are interconnected network nodes and/or customer premises equipment; col. 4 line 65 to col. 5, line 7.).

As to claim 23, Volftsun shows the telecommunications networks comprise a PSTN network (Figure 1).

As to claim 24, Volftsun shows a machine readable medium comprising machine readable instructions for causing a computer to perform a method (abstract) comprising: receiving input signals in conformance with a first protocol; mapping the input signals to an abstract information format; converting information from the abstract information

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format to protocol-specific output signals; and transmitting the output signals in conformance with a second protocol (refer to claim 1 rejection).

As to claim 26, the same rejection is used as in claim 3.

As to claim 27, the same rejection is used as in claim 4.

As to claim 28, the same rejection is used as in claim 5.

As to claim 29, the same rejection is used as in claim 6.

As to claim 30, the same rejection is used as in claim 7.

As to claim 31, the same rejection is used as in claim 8.

As to claim 32, the same rejection is used as in claim 9.

As to claim 33, the same rejection is used as in claim 10.

As to claim 34, the same rejection is used as in claim 11.

As to claim 35, the same rejection is used as in claim 13.

As to claim 36, the same rejection is used as in claim 14.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volftsun et al. (US 6111893; hereinafter Volftsun) in view of Hundscheidt et al. (US 7203613; hereinafter Hundscheidt).

As to claims 2, 16 and 25, Volftsun shows all of the elements except that the first protocol is selected from a group of protocols comprising V5.x, Megaco, MGCP, Q.931, QSIG, VoATM, H.323, SIP and MFC/R2.

Hundscheidt shows at col. 16, lines 18-19, that the signaling gateway converts different signaling protocol (H.323). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the protocol converter of Volftsun to include the specific protocol conversion of Hundscheidt in order to have no restriction to any circuit-oriented or packet oriented protocol (col. 2, lines 57-59).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Erfurt (US 7050457 B2) – note abstract;

Krichevski (US 6944670 B2) – note abstract;

Hamlin (US 6940870 B2) – note abstract;

Kwan (US 6643709 B1) – note abstract;

Barclay et al. (US 6311072 B1) – note abstract;

Salisbury et al. (US 6084887) – note abstract.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Redentor M. Pasia whose telephone number is 571-272-9745. The examiner can normally be reached on M-F 7:30am to 5:00pm EST, alternating Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H. To can be reached on (571)272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Redentor Pasia



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